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5 December 1978

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MEMORANDUM FOR THE RECORD

FROM :
Assistant Legislative Counsel

SUBJECT: "Intelligence Charter Legislation"

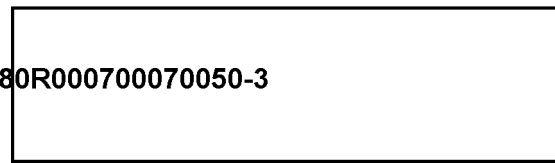
1. For the second time in as many weeks the Administration's approach to Charter Legislation has taken a change in direction. Last week's SCC meeting broke down without resolution of any of the Title II issues presented in the Working Group's "issues paper" and resulted in the formation of a new Administration committee to be headed up by David Aaron of the NSC staff. Other members include the DDCI and Messrs. Reasor, Newsom and Civiletti from Defense, State, and Justice respectively. The purpose of the new committee is to work to resolve as many of the Title II issues as possible and to report to the SCC those which the new committee finds unresolvable. It would appear that the Administration's Charter Working Group will have no further input and/or control vis-a-vis the new committee - with the exception that the Working Group's "issues paper" may be used as a springboard for the new committee's deliberations.

2. The formation of the new committee would appear to be problematic from the standpoint that we now have a new Administration committee" under the direction and control of David Aaron" whose philosophical penchant and bent is not at all unlike those which motivate the key Senate staffers charged with managing the legislation. The operative effect of this may be to allow the new committee to become a vehicle for greater SSCI input into what was originally viewed to be exclusively Executive Branch deliberations on issues of great importance to the Agency, the Intelligence Community, and the Executive Branch itself. The first meeting of the new committee will likely be taken up in great part with deciding just how such a group should procedurally attack the many knotty issues that remain unresolved in Title II.

3. The formation of the new committee can be viewed as a barrier to what Bill Miller, SSCI Staff Director, viewed as his timetable for the legislation. The Senate Staff Director has on numerous occasions - and as recently as last week in conversation with the Legislative Counsel - stated

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the view that a "consensus" bill could be hammered out by Christmas for early reintroduction in the 96th Congress. It would appear that last week's SCC decision will force Mr. Miller to reset his legislative timetable according to the new Administration committee's progress.

4. Last week the Legislative Counsel also met with the House Oversight Committee Staff Director, Tom Latimer. The HPSCI Staff Director expressed skepticism with regard to legislatively handling such complex issues - replete with restrictions - as presented in Charter Legislation in the comprehensive form the Senate version has espoused. He stated further that to date there has been no interest at all in charters on the House side and the HPSCI does not want to consider any Charter Legislation that does not represent a consensus between the Administration and the Senate.

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